



Economic and Social Council

Distr.: General
12 May 2015

English only

Commission on Crime Prevention and Criminal Justice

Twenty-fourth session

Vienna, 18-22 May 2015

Item 6 of the provisional agenda*

**Use and application of United Nations standards and
norms in crime prevention and criminal justice**

Statement submitted by the International Association of Penal Law (IAPL-AIDP) and by the International Institute of Higher Studies in Criminal Sciences (ISISC)**

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* E/CN.15/2015/1.

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Establishment of a Working Group for the elaboration of updated model instruments on International Cooperation in Criminal Matters (11 May 2015)

The International Association of Penal Law (IAPL-AIDP, www.penal.org) is the world's oldest association of specialists in penal law and one of the oldest scientific associations. It was founded in 1924, and since then it has promoted the development of legislation and institutions with a view towards improving a more humane and efficient administration of justice. The main fields of activity of the AIDP include: (a) Criminal policy and the codification of penal law, (b) Comparative criminal law, (c) Human rights in the administration of criminal justice, (d) International criminal law (and, in particular, international criminal justice). The AIDP includes national groups in 38 countries worldwide and a high number of individual members. The Association's scientific work is mainly realized through the organization of the quinquennial congresses preceded by four international preparatory colloquiums, world and regional conferences, regular publication of the International Review of Penal Law and other scientific publications, by national and international research projects, legal opinions and expert reports on all areas of criminal justice. The AIDP has consultative status with the United Nations, UNESCO, the Council of Europe and the European Union and cooperates with other national, international and nongovernmental organizations. The official languages of the Association are English, French and Spanish.

Since its foundation, the AIDP has continuously dealt with the topic of international cooperation and mutual legal assistance and has even institutionalized it as the permanent fourth topic of its congresses and a regular topic of one of the preparatory colloquiums. For example, at the last congress in 2014 the focus was on MLA in the information society, in 1999 on MLA in the fight against organized crime, in 1984 on Structures and methods of international and regional cooperation in penal matters, in 1969 on Actual problems of extradition.

The International Institute of Higher Studies in Criminal Sciences (ISISC), established on September 1972 by the AIDP enjoys consultative status with the United Nations and the Council of Europe. ISISC since 1992, has a special cooperation agreement with the United Nations Office in Vienna and became one of the eighteen organizations comprising the United Nations Crime Prevention and Criminal Justice Programme Network (PNI Network). The Network supports the United Nations Office on Drugs and Crime (UNODC) in strengthening international cooperation in criminal matters.

Between 2002 and 2005, in cooperation with the United Nations, the AIDP and ISISC conducted five workshops addressing extradition and mutual legal assistance with the participation of 111 experts:

- Between 2002 and 2005, in cooperation with the United Nations, the AIDP and ISISC conducted five workshops addressing extradition and mutual legal assistance with the participation of 111 experts:
- In cooperation with the United Nations Centre for International Crime Prevention (UNCICP) and within the framework of creating legislative standards in the field of international criminal law, a workshop on the "Updating of the Manual on the Model Treaty on Extradition and the Manual

on the Model Treaty on Mutual Legal Assistance in Criminal Matters" took place on December 6-8, 2002;

- In cooperation with the United Nations Office on Drugs and Crime (UNODC), on December 2003 the training workshop "Extradition in Terrorism Cases" was held in order to train Ministry Officers from developing countries;
- To draft the United Nations model legislation on extradition, on December 2003 the workshop on "Elaboration of a Model Legislation on Extradition" was organized in cooperation with the UNODC;
- In 2004, as a follow-up to the 2003 activities, ISISC organized, in cooperation with the Terrorism Prevention Branch of UNODC, an expert group meeting on "The Development of New Tools on Mutual Legal Assistance and Extradition";
- In 2005, ISISC was involved in a related meeting with the UNODC Division of Treaty Affairs on "The Development of Tools on Mutual Legal Assistance and Extradition", addressing a revision of the model law related to the subjects of: mutual legal assistance in criminal matters; extradition; and new techniques to improve each modality's utility as a tool of international criminal procedure.

Convinced that due to its longstanding expertise, scientific publications and research in this subject matter, AIDP/ ISISC are in the best position to contribute to the endeavour to improve mechanisms of international cooperation,

Recalling the United Nations Resolutions of 16 July 2014 (E/Res/2014/17) and of 18 December 2014 (A/Res/69/193) on International cooperation in criminal matters that are recommending that the ECOSOC Commission on Crime Prevention and Criminal Justice initiate a review of existing model treaties on international cooperation in criminal matters,

Recalling the Doha declaration adopted at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/Conf.222/L.6) inviting the ECOSOC Commission on Crime Prevention and Criminal Justice to continue its initiative to identify United Nations model treaties that may need to be updated, based on input received from Member States,

AIDP/ISISC are announcing the initiation of a Working Group to evaluate the existing model agreements and to make proposals for the improvement of the United Nations model treaties on international cooperation in criminal matters.

The objective of the AIDP/ISISC Working Group is to provide the United Nations with concrete proposals for an updated Model Treaty and Law on International cooperation in criminal matters. The need to update such instruments emerges in particular considering that:

- The United Nations Model Treaty on MLA and the United Nations Model Law on MLA are not aligned. Often provisions included on the same issues differ substantially, sometimes even to the point of being incompatible or contradictory. Both instruments should therefore as much as possible be

mirrored after one another and be upgraded in order to be more robust, complete and state-of-the-art;

Traditional instruments on international cooperation in criminal matters are made "by States for States", aiming at increasing efficiency and effectiveness of cooperation. The new instruments should therefore go beyond the classic approach of bilateral relations between States and take advantage of direct cooperation between judicial authorities and of new investigative tools as enforcement networks and joint investigation teams.

- The need for new investigative tools, as special investigation techniques and digital investigation techniques should be addressed in a systematic and actual way.
- Instruments on international cooperation in criminal matters should take more into account the position of the defendant, both as regards the possibility to trigger mutual legal assistance and the possibility to participate in the execution of an investigative measure (active participation).
- The respect of fundamental rights of the defence is not sufficiently safeguarded during international cooperation. Human rights minimum standards do not solve the problems posed by the fact that the defendant has to deal with various different legal systems. In transnational criminal proceedings different authorities become separately responsible for the investigation conducted in their own territory; however no authority (neither the requesting, nor the requested) controls the investigation as a whole. In order to ensure that the adjudicating state is held liable for the actions of officials of the requested state, the new United Nations Model Treaty and Law should increase the possibilities of the requesting State to have an influence on the modalities of execution of the request (*forum regit actum*).

In light of these considerations, the Working Group will start reflecting on concrete provisions to be included in the future instruments. Already at this point, however, some preliminary proposals can be formulated, both as regards the United Nations Model Treaty and the United Nations Model Law.

Recommendations concerning only the United Nations Model Treaty

The United Nations Model Treaty should be upgraded to the level of the United Nations Model Law, at least by:

- deletion or softening certain refusal grounds;
- introduction of comprehensive and state-of-the-art regulation regarding requests for freezing or seizure and confiscation;
- regulation of judicial assistance in relation to digital networks and communications systems;
- limitation of *forum regit actum* rule only when incompatible with the "fundamental principles of the law" of the requested State (instead of with its "law and practice");

- allowing for the sending and answering requests through the most expedient means, leaving a written trace and even orally in urgent cases, provided oral requests are confirmed by means leaving a written trace;
- allowing for the possibility of spontaneous information exchange.

Recommendations concerning both model instruments

Both the Model Treaty and Model Law should be expanded or complemented, in that they would equally: introduce the possibility of truly direct and horizontal communication and cooperation between locally competent judicial authorities, while providing central support services for them (translation, expert knowledge);

- allow, in parallel to traditional inter-state sending and service of documents through the central authorities, for a direct alternative, using the post or digital means of communications, while duly respecting the rights of the persons involved;
- incorporate sufficiently precise and elaborate provisions as regards the possibility, especially but non-exclusively in the taking of testimony, to use digital technology, such as video and telephone conferencing;
- reflect a more generic introduction of a "best of both worlds" principle in cross-border MLA cases as regards procedural guarantees, according to which States pursuing investigations would afford all persons involved, the protection that would accrue to them in a similar domestic case or in their own jurisdiction, while also affording them the protection that ensured to them under the national legal system of the State where the investigative measures are taken or where the persons concerned are situated when the investigative measures are taken;
- incorporate certain rights-enhancing refusal grounds, such as a facts-based *ne bis in idem* exception and an exception in cases where the alleged offender cannot be held criminally liable under the domestic law of the requested State;
- introduce a possibility to set refusal grounds aside upon the explicit and properly informed request by the defence, following consultation with his/her lawyer;
- recognize the standing of the defence to ask the competent national authority to issue a letter rogatory in order to gather exculpatory evidence;
- recognize the possibility for the defence to actively participate in the execution of the requests. For example, Art. 15 of the United Nations Model Law with regard to the taking of testimony or statements provides that "any person to whom the foreign investigation, prosecution or proceeding relates or that person's legal representative" is allowed to participate and to "question the witness". The updated instrument should consider extending the provision of Art. 15 to other forms of assistance;
- introduce the possibility of transfer of a person in custody from the requesting to the requested State;
- introduce a sufficiently elaborate framework for the use of cross-border special investigative techniques, such as e.g. controlled deliveries, covert

investigations, cross-border observation, hot pursuit, or joint investigation teams;

- introduce and regulate the interception of private ICT communications and the monitoring of bank accounts, as well as the possibility to use such techniques in real time;
 - introduce an obligation to grant MLA also for investigations into corporate crime, even if the requested State does not allow for corporate liability for the offences concerned;
 - spell out that the later use of information gathered by intelligence services in criminal matters is only allowed where the information concerned could have been obtained through regular mechanisms for judicial or law enforcement cooperation in criminal matters.
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Economic and Social Council

Distr.: General

14 May 2015

English only

Commission on Crime Prevention and Criminal Justice

Twenty-fourth session

Vienna, 18-22 May 2015

Item 5 of the provisional agenda*

**Integration and coordination of efforts by the United
Nations Office on Drugs and Crime and Member States in
the field of crime prevention and criminal justice**

Statement submitted by Transparency International**

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* E/CN.15/2015/1.

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To the Commission:

The injustice and inequity caused by corruption is well-known and multifaceted. Countering corruption and money laundering is essential to achieve sustainable development and stop the spread of organized crime. Enhancing accountability and transparency in the police and the judiciary is a key step in countering corruption and organized crime, given that these institutions may themselves be vulnerable to those threats. Ensuring well-resourced and functionally independent anti-corruption bodies is also essential in order to properly address and mitigated corruption.

Transparency International welcomes the recent adoption of the Doha Declaration at the 13th United Nations Congress on Crime Prevention and Criminal Justice, which reiterates State obligations under the United Nations Convention against Corruption (UNCAC) to prevent, detect, and counter corruption, enhance transparency, and promote the integrity and accountability of our criminal justice systems. We also applaud the Declaration's references to urgently-needed measures to effectively address illicit financial flows that conceal the proceeds of corruption and crime, siphon funds from their rightful recipients, and threaten the entire United Nations post-2015 agenda.

TI further welcomes the United Nations Secretary-General's 9 March 2015 report to the Commission and commends UNODC's ongoing support to anti-corruption efforts worldwide. In particular, UNODC efforts aimed at providing training and assistance to States Parties and civil society organisations in relation to the UNCAC implementation review process, as well as the work carried out by the Anti-Corruption Advisor Program, especially its efforts aimed at strengthening national institutional and policy frameworks and the involvement of all areas of society in anti-corruption efforts.

Taking into account the foregoing, we have the following recommendations to the 24th Session of the Crime Commission:

Ensure transparent and accountable law enforcement and justice institutions

In countries with high levels of corruption and organized crime, the focus and orientation of security policies has thus far led to insufficient institutional changes fostering transparency and accountability. Many countries lack basic information to assess the incidence, extent and trends of crime, violence, and human rights abuses resulting from hard-line criminal enforcement policies. Little attention has been paid to the implementation of internal and external oversight mechanisms to monitor the armed forces, police and justice procurement authorities, which include state attorneys and public defenders. While police reform has often been accompanied by a prevention and community focus, community participation in policing spaces is scarce, and monitoring practically non-existent.

The net result of this is often law enforcement sectors (i.e. both police and judicial) that are overwhelmed, under-resourced, and often partially co-opted by corrupt and criminal actors. Criminal actors, especially organized crime, are able to leverage institutional weaknesses in the sector, especially lack of transparency and accountability, to corrupt or take advantage of already corrupt public officials in order that their illegal activities advance unhindered. This phenomenon culminates

in extremely high rates of impunity for homicide and corruption in affected countries, which itself further exacerbates violence and destabilization.¹

We therefore urge governments to advance reforms that deliver effective safety and policing strategies and access to justice to all people within a state, free of abuse. In order to reach this goal, we support:

1. **Increased adoption and exercise of effective accountability standards and mechanisms** by government and targeted national and local security and justice sectors and institutions (e.g. civil police, prosecutors, safety ministries). Such standards and mechanisms should ensure robust internal and external oversight of state security and justice procurement authorities. This includes procurement practices, human resource policies, fiscal transparency, whistle-blower protection, policy formulation and implementation, as well as performance evaluation.
2. **Improved conditions for victims and witnesses** of corruption and abuse of power, including violence, in the security and justice sectors to come forward and access justice. Safe and effective conditions for reporting such abuses are needed to ensure the accountability of such institutions to the public. Independent and well-resourced oversight of whistle-blower mechanisms is essential to their proper functioning. Whistle-blower legislation should introduce the highest international standards of whistle-blower protection, as embodied in the *International Principles for Whistle-blower Legislation prepared by Transparency International*.²
3. **Increased participation by civil society**, and, at local level, affected communities in law enforcement strategy formulation and oversight. As underscored in the seminal 2013 UNDP Regional Human Development report, "In order for the demands of vulnerable groups, such as victims of violence and crime, to be included in government actions and strategies, effective spaces for public participation need to be opened up." Only by working with those closest to and most affected by the problems of corruption and abuse of power in security and justice institutions, and establishing "confidence networks" between communities and vetted, reform-minded actors within the security and justice networks, will it be possible develop legitimate and sustainable strategies for citizen security.
4. **Improved generation and access to data** relevant to effective oversight of security and justice institutions by civil society. We support UNODC efforts to promote transparent, verifiable, and comparable crime and victimization statistics across countries and seek more open, proactive disclosure regarding institutional budgets, procurement, asset declarations of institution officials, and human resource policies and decision making. This is essential to ensure

¹ According to the United Nations the sentence rate in Latin America is 24 per 100 victims: UNODC: Global Study on Homicide 2013: www.unodc.org/documents/data-and-analysis/statistics/GSH2013/2014_GLOBAL_HOMICIDE_BOOK_web.pdf. In Mexico, for example, 80 per cent of homicides rates go unpunished. And in Honduras 95 to 98 per cent of crimes committed go without punishment throughout the country. See: Wilson Center, "Best Practices to Reduce Homicide Rates", p. 8.

² www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation.

that public policy objectives are being implemented with full fidelity, free of corruption and abuse of power by security and justice officials.

Ensure that anti-corruption agencies are independent and well-resourced

Anti-corruption agencies (ACAs) can offer an effective institutional approach to tackling corruption, but only if they are provided with the means to carry out their mission. Articles 6 and 36 of the UNCAC call for States parties to ensure the existence of independent bodies established to prevent corruption and promote anti-corruption policies and principles as well as to combat corruption. The last two decades have witnessed a significant growth in the number of Anti-Corruption Agencies (ACAs) around the world, so that they have now been established in nearly 150 countries.³ This growth means those countries have identified them as important partners in the fight against corruption. ACAs often play (or should play) a central role in identifying, investigating, and sanctioning corrupt practices, and in ensuring that there is no impunity for corrupt practices.

However, across the world a wide gap exists between the commitments displayed in establishing ACAs and the actual realisation of their mandate.

We therefore urge governments to:

Ensure that Anti-Corruption Agencies (ACAs) are functionally independent and well-resourced. Only then do ACAs have the potential to improve the prevention, detection and sanctioning of corruption. Parameters for strong anti-corruption agencies are laid out in the *Jakarta Statement on Principles for Anti-Corruption Agencies*,⁴ which provides credible guidance for States and merits endorsement by the Crime Commission and by the UNCAC Conference of States Parties. In order to assist progress towards the endorsement of these principles, Transparency International will launch an initiative this year to assess the performance of anti-corruption agencies in the Asia Pacific region.

Increase efforts to stem money-laundering

Company secrecy laws, complex ownership structures, and complicity and complacency among members of both the private and public sectors, create a protective veil for those that are benefitting from corrupt practices and obstructing law enforcement investigations. Reforms and increased oversight are needed in key areas that are vulnerable to illicit financial flows and corruption-related money-laundering, such as the banking sector, real estate and luxury good markets.

We therefore urge governments to:

Establish public registers to end company ownership secrecy:

Company secrecy laws hamper law enforcement investigations into corrupt individuals. Similarly, overly complex and multi-layered company ownership structures can mask the true identity of those who are benefitting from the proceeds

³ Principles for Anti-Corruption Agencies: A Game Changer; Jaegere, Samuel De, Jindal Journal of Public Policy, Vol. 1, Issue 1, Aug. 2012, www.pogar.org/publications/ac/2012/publications/PrinciplesSamuelDeJaegere.pdf.

⁴ www.unodc.org/documents/corruption/WG-Prevention/Art_6_Preventive_anti-corruption_bodies/JAKARTA_STATEMENT_en.pdf.

of corruption and other crimes. Governments should therefore, establish public corporate registers that include beneficial ownership information. Each government should take concrete steps to end corporate secrecy by enforcing existing requirements to collect beneficial ownership information regarding the true identity of the human beings who own and profit from companies, while increasing the transparency of trusts to avoid their misuse for money laundering purposes. Governments should also facilitate improvement in the due diligence conducted by the "facilitators" of illicit financial flows, including casinos, real estate agents, lawyers, accountants and company formation agents, through stricter laws requiring the licensing of service providers who form trusts and companies.

1. Increase bank scrutiny of Politically Exposed Persons

Governments should ensure the independent, efficient and rigorous supervision of banks and financial professionals to ensure that they conduct enhanced due diligence with regard to Politically Exposed Persons (PEPs).

2. Regulate luxury investments and enforce existing regulations:

Governments should adopt and enforce laws requiring real estate and associated financial brokers, as well as other high-end luxury goods dealers, to refuse payment in cash above a certain large amount; to know who they are doing business with; and to report anything suspicious. Non-compliance should be subject to dissuasive sanctions.

Increase civil society participation in anti-corruption efforts

Putting an end to corruption requires the involvement of all areas of society. UNCAC Article 13 recognizes a role for civil society organisations in anti-corruption efforts and calls upon States parties to actively promote their involvement, including through recognition of the rights to freedom of expression, association and assembly, as well as through access to information and anonymous reporting channels. The United Nations, through its Institutional Integrity Initiative aims to apply UNCAC to its own workings.

We therefore urge governments to:

1. Create safe and effective conditions for the involvement of civil society

Civil society anti-corruption organisations cannot carry out their role effectively when they are subject to constraints that effectively negate the rights to freedom of expression, association and assembly. Governments should provide effective protections to beyond mere non-interference and extending to actively consulting and engaging civil society across all areas of corruption policy development, implementation, and monitoring.

2. Re-commit to participation of representatives of civil society organizations in UNCAC and UNTOC subsidiary bodies

The report of the Special Rapporteur on Freedom of Association and Assembly entitled *Multilateral Institutions and Their Effect on Assembly and Association Rights* (A/69/365) stresses that the right to freedom of association and assembly also applies at the multilateral level and that multilateral organizations, like states,

have responsibilities to maintain an enabling environment for civil society. The report identified good and bad examples among the multilaterals. Further, the United Nations Institutional Integrity Initiative aims to apply UNCAC, including Article 13, to the United Nations itself. In order to fulfil this obligation and this aim, CSOs must be permitted to participate in subsidiary bodies of UNCAC and the United Nations Convention on Transnational Organized Crime.

**Economic and Social Council**

Distr.: General
14 May 2015

English only

**Commission on Crime Prevention
and Criminal Justice****Twenty-fourth session**

Vienna, 18-22 May 2015

Items 4 and 8 of the provisional agenda*

**Thematic discussion on follow-up to the Thirteenth United
Nations Congress on Crime Prevention and Criminal
Justice**

**Follow-up to the Thirteenth United Nations Congress on
Crime Prevention and Criminal Justice and preparations
for the Fourteenth United Nations Congress on Crime
Prevention and Criminal Justice**

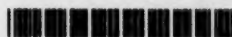
**Joint Statement submitted by the Academic Council on the
United Nations System**¹**

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¹ Academic Council on the United Nations System; Academy of Criminal Justice Sciences; American Correctional Association; Amnesty International; Asia Crime Prevention Foundation; Crime Stoppers International; Criminologists without Borders; Defence for Children International; Environmental Investigation Agency; Friends World Committee for Consultation; Global Alliance against Traffic in Women; Human Rights Watch; International Association of Youth and Family Judges and Magistrates; International Drug Policy Consortium; International Organization for Victim Assistance; International Society of Social Defense and Humane Criminal Policy; LIBERA — Associazioni, Nomi e Numeri contro le Mafie; Open Society Initiative; Penal Reform International; Soroptimist International; The European Law Students' Association; Transparency International; World and Memory Forum; World Animal Protection; World Society of Victimology; World Wildlife Fund for Nature International.



Doha Civil Society Declaration

We, representatives of Civil Society Organizations have gathered in Doha (Qatar) on the occasion of the Thirteenth United Nations Congress to affirm the fundamental importance of its general theme "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation", as a part of the wider United Nations Post-2015 Sustainable Development Agenda,²

Aware of the current discussions in the General Assembly to agree the Sustainable Development Goals for the United Nations for the next fifteen years, including the proposed goal 16 "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels" as well as other goals,

Noting the Synthesis Report of the Secretary-General on the Post-2015 Agenda³ which emphasizes working together, a people centred transformational agenda, human rights and the rule of law,

Encouraging Member States to take advantage of findings, lessons learned, views and policy options developed by civil society organizations and academic institutions and to assist civil society organizations in terms of awareness raising and educational projects in crime prevention, emerging forms of transnational crime, corruption, cybercrime and trafficking in cultural property, weapons and drugs, wildlife and forest crime, as well as support concrete projects to help youth in contact with the criminal justice system, re-integration of ex-offenders, sensitising law enforcement officials, and treatment of victims of crime and trafficking.

Aware that sustainable development cannot happen without public participation.

Welcome the text agreed by the intergovernmental expert group on the Review of the United Nations Standard Minimum Rules for the Treatment of Prisoners at its fourth meeting in Cape Town, South Africa.

Recalling also that non-governmental organizations and the scientific community are a valuable source of professional expertise, advocacy and assistance, and that their contributions should be fully utilized in programme development, United Nations studies, implementation and monitoring,⁴

Stressing the positive value that international standards and norms play in the advancement of crime prevention and the development of fair and effective criminal justice systems and in ensuring human rights in the administration of justice.

Emphasizing the participation of civil society in crime prevention and criminal justice policy, practices and legislation,

Highlighting that crime prevention and criminal justice have a strong link with development and that monitoring progress in crime prevention and criminal justice

² GA/RES 67/184, PP 10.

³ A/69/700.

⁴ GA/RES 46/152, Annex, OP 43.

with third party participation will be crucial for advancing the Post-2015 International Development Agenda,

Regarding the United Nations Crime Prevention and Criminal Justice Programme and its Congress:

1. *Emphasize* the role of non-governmental organizations in the preparation for the Fourteenth United Nations Congress, relevant resolutions and recommendations of the United Nations Commission on Crime Prevention and Criminal Justice, in line with the General Assembly resolution 46/152, Annex (para. 29),
2. *Call upon* Member States to widen the avenues for the participation of civil society organizations in the United Nations policy-making processes related to crime prevention and criminal justice, including in all meetings of the Conference of the State Parties to the United Nations Convention against Transnational Organized Crime and United Nations Convention against Corruption and their working groups.⁵
3. *Call further upon* Member States to recognize fully the role of civil society and individuals in anti-corruption efforts by involving non-governmental organizations more fully in the Review Mechanism for the United Nations Convention against Corruption (UNCAC) and in national level review processes,
4. *Call upon* Member States to ensure that the link between crime prevention and criminal justice on the one hand, and development and human rights on the other hand is reflected fully in the Post-2015 Agenda.

I. Challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law, and to support sustainable development

1. *Recommend* Member States include civil society organizations in the national, regional and international promotion of the rule of law, alternative approaches to justice (such as restorative justice), human rights, public participation, equality and sustainability,
2. *Request* that Member States strengthen specific mechanisms to enforce the legal standing of victims throughout the criminal justice process, especially in the courts, in keeping with their rights reflected in the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,
3. *Call upon* Member States to implement effective measures for the recognition, protection and provision of victims' rights and assistance to victims and witnesses to all crimes, in accordance with relevant international instruments, and taking into consideration the United Nations standards and norms on crime prevention and criminal justice.

⁵ 2225 UNTS 209.

4. *Encourage* Member States to utilise evidence and policy options advocated by civil society organizations, and take into account the views of victims, as a reflection of public interest and human rights importance for policies and strategies in crime prevention and criminal justice.
5. *Encourage* Member States and United Nations Organizations in partnership with civil society to put into practice United Nations standards and norms on crime prevention and justice for victims, in order to advance sustainable development by aligning targets and indicators for the next 15 years for the reduction of violence and assistance to victims, based on evidence and good practice,
6. *Call on* Member States to abolish the death penalty completely and for retentionist States to immediately introduce a moratorium on death sentences and executions, and commute all current death sentences.
7. *Recommend* Member States and United Nations Organizations to promote, review and ensure proportionality of sentencing for drug offences, including the implementation of non-custodial measures and alternatives to incarceration for minor offences and vulnerable groups including women.
8. *Encourage* Member States to actively promote the involvement of civil society in the implementation of all standards and norms as they affect the rights of vulnerable and marginalised groups.

II. International cooperation to prevent and combat transnational organized crime and corruption

1. *Urge* Member States to engage with, support and involve civil society organizations in the implementation, monitoring and enforcement of efforts to effectively prevent and combat transnational organised crime and corruption, especially through UNTOC and UNCAC mechanisms.

III. Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime

1. *Recommend* civil society organizations raise awareness on emerging forms of crime, in particular wildlife, forest and other forms of environmental crime, trafficking in cultural property, economic fraud and cybercrime.
2. *Urge* Member States to acknowledge the highly organised nature of emerging forms of crime and recognise these crimes as serious transnational organised crime.
3. *Recommend* Member States apply the United Nations Convention against Transnational Organised Crime to emerging forms of crime.

IV. National approaches to public participation in strengthening crime prevention and criminal justice

1. *Recommend* Member States increase their focus on community-centred initiatives, the provision of legal aid and increased participation of women and youth in consultative processes. Volunteers and youth involved in crime prevention activities and restorative justice can be agents of positive change.
2. *Call on* Member States to involve affected groups in crime prevention and criminal justice policy, programmes and delivery,
3. *Encourage* Member States to involve civil society organizations in proactive social inclusion, including drawing on their capacity to reach the most vulnerable, and facilitate vocational training and skill-forming employment, especially for youth, as part of developmental crime prevention.

V. The United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems

1. *Call on* Member States to adopt effective mechanisms for the implementation of the United Nations Principles and Guidelines on Access to Legal Aid, including through transposition into national law, the development of national action plans, and partnerships between government and non-state actors.
2. *Request* the Commission on Crime Prevention and Criminal Justice to consider the establishment of a mechanism for continuous assessment of the implementation of the United Nations Principles and Guidelines on Access to Legal Aid, including the collection of relevant statistical information.
3. *Recommend* Member States and United Nations Organizations implement existing human rights-based restrictions on the criminalization of people, based on their status and/or identities, including the LGBT community, and to ensure protection for all marginalised individuals and groups.
4. *Call on* Member States to minimize the use of detention for children in line with relevant international standards, as well as to take urgent measures to protect children from violence in the criminal justice system, utilising the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children.
5. *Request* Member States to increase efforts to implement the United Nations Rules for the Treatment of Women in Prison and Non-Custodial Measures for Women Offenders — the Bangkok Rules — in recognition of the gender-specific needs of women in the criminal justice system.
6. *Call on* Member States to endorse the revised text of the United Nations Standard Minimum Rules for the Treatment of Prisoners agreed upon at the Fourth Intergovernmental Expert Group Meeting at the 24th session of the Commission on Crime Prevention and Criminal Justice and transmit the revised Rules to the General Assembly for adoption as the “Revised United

Nations Standard Minimum Rules for the Treatment of Prisoners" (to be known as the "Mandela Rules").

VI. Trafficking in persons and smuggling of migrants: challenges in criminalization and in effective protection of trafficking victims

1. *Recommend* to Member States to increase the focus on language and cultural barriers preventing from delivering social and legal assistance to victims of trafficking and migrants in smuggling situations and offer assistance to the civil society organizations in countries of origin and destination, with a view to improving life chance opportunities at home,
2. *Encourage* Member States to provide legal assistance and alternative arrangements to repatriation such as immigration relief, civil compensation, and vocational training.
3. *Call upon* Member States to adopt a participatory Review Mechanism that fully involves civil society for the United Nations Convention against Transnational Organized Crime (UNTOC) and its Protocols and in the national level review processes.
4. *Further call upon* Member States and the United Nations Office on Drugs and Crime to ensure that the Sustainable Development Goals include goals and targets to address trafficking in persons as defined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, inclusive of all genders and forms of trafficking.
5. *Call upon* Member States to ensure that persons affected by transnational organised crime and corruption have the time and support necessary, including legal assistance, to ensure they are able to exercise their right to remedy, in accordance with the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons.

VII. Public contribution to crime prevention and raising awareness of criminal justice: lessons learned

1. *Recommend* Member States pursue new avenues for increasing public involvement in crime prevention and criminal justice and in promoting preventive and restorative criminal justice.
2. *Advise* civil society organizations be aware of money laundering dangers, the importance of public registers of beneficial ownership and to support efforts to adopt transparent public registers in all Member States.
3. *Encourage* Member States to draw on the successful experiences in crime prevention and criminal justice with a view to sharing them with public at large, so as to strengthen the acceptance of internationally recognized United Nations criminal policy standards.
4. *Encourage* member states to provide adequate legal protections for whistle-blowers, human rights defenders and journalists.

VIII. Implementation

Call upon Member States and United Nations Organizations to develop an evidence-based plan to further strengthen the implementation of the above recommendations, including identification of the government centres responsible for implementation; training of the officials and civil society persons responsible for implementation; setting of targets and indicators in line with social development goals; development of the mechanisms to monitor and evaluate implementation progress; formulation of a compelling cost-effective proposals to obtain adequate investment; establishment of a joint Member State civil society task force to monitor implementation.
